

**SEQR RECORD OF DECISION**  
**NEW YORK STATE DEPARTMENT OF TRANSPORTATION**  
**PROJECT IDENTIFICATION NO. 8006.72**  
**NYS ROUTE 17 AT EXIT 122**  
**TOWN OF WALLKILL**  
**ORANGE COUNTY**

This Record of Decision documents the New York State Department of Transportation's decision to proceed with the proposed action described in the Final Environmental Impact Statement (**FHWA-NY-EIS-07-04-F**) for Route 17 at Exit 122 as defined by Alternative 2C(1) - Loop Ramp Interchange with Signalized Intersections.

This Record of Decision has been prepared in accordance with the State Environmental Quality Review Act (SEQRA), and Department implementing regulations for SEQRA - 17NYCRR Part 15. The requirements of Section 8-0109 of the Environmental Conservation Law have been met. The Final Environmental Impact Statement (FEIS) was accepted by FHWA on July 21, 2008 and the National Environmental Policy Act Record of Decision (NEPA ROD) was issued by the Federal Highway Administration (FHWA) on December 18, 2008. The New York State Department of Transportation has given consideration to the FEIS and the NEPA ROD in making this SEQR Record of Decision.

The decision of the Department is to select Alternative 2C(1) - Loop Ramp Interchange with Signalized Intersections (defined hereafter as Alternative 2C(1)), as identified in the FEIS, dated April 2008, as the selected alternative for the proposed project. This alternative, along with the others considered in the FEIS are fully described in Chapter III of that document.

The Department has found:

1. that, consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is the alternative that minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FEIS;
2. that, consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the EIS process will be minimized or avoided;

The decision to select Alternative 2C(1) as the preferred alternative is based on reviews in the FEIS indicating that overall it is the least environmentally damaging practicable alternative, considering all environmental, social, economic, and engineering factors. Refer to the FEIS, Chapter V for the evaluation and comparison of the alternatives. Also, refer to the NEPA ROD which summarizes the alternatives considered, all measures to minimize harm to the environment and the monitoring/enforcement programs which will be integrated into the designed project. A copy of the NEPA ROD is attached and hereby adopted into this SEQR Record of Decision. Additionally, the following is a brief summary of the significant effects of the project which highlight the Department's balanced decision to choose Alternative 2C(1), based on the alternative's benefits and detriments. The selected alternative will:

- Upgrade the interchange to eliminate geometric deficiencies, meet Federal Interstate Standards and improve safety and operation of traffic within the NYS route 17 (Interstate 86)/Crystal Run Road/ East Main Street corridor.

- Impact to 15.4 acres of forested area
- Impact 3.1 acres of floodplain.
- Require 1,191 LF (363 m) of stream impacts.
- Result in 11.68 acres ( 47,273 m<sup>2</sup>) of new impervious area
- Require acquisition of 63 acres of Right of Way and relocation of 5 businesses and 1 residence.
- Disturb 2.68 acres of Federal Jurisdictional and non-Jurisdictional wetlands by direct impacts. Disturbance of 0.15 acres of Jurisdictional wetlands by indirect impacts. No indirect impacts to non-Jurisdictional wetlands. No State wetlands are present within the project area.
- Adversely impact noise, affecting 1 property. A noise abatement measure for one property would be economically unreasonable and therefore infeasible. A noise abatement measure is not recommended for the project.
- Allow for future opportunities by others to develop the areas adjacent to the interchange in accordance with local and county Comprehensive Plans.
- Maintain accessibility for area emergency responders, businesses, hotels and restaurants
- Have an adverse effect on the setting of the property at 758 East Main Street although there will be no permanent or temporary right of way needed and no impairment to the constructive use or activities associated with the property. The selected alternative, as with all build alternatives, will also impact components of the non-contiguous Wallkill Prehistoric Archeological District. An executed Memorandum of Agreement describes mitigation measures and is further explained below.

As summarized below and described in the FEIS and NEPA ROD, the proposed project incorporates numerous measures to minimize adverse effects and mitigate unavoidable adverse effects. They include:

- Minimizing impacts to existing wetlands, surface waters and floodplains primarily with oversteepening fill slopes and by making adjustments to proposed alignments and curve radii. Wetland compensation is proposed with a target wetland mitigation ratio of 2:1.
- Minimizing new culvert length on Phillipsburg creek to maximize open stream area and providing for a natural bottom to help preserve aquatic habitat and provide for wildlife connectivity. Stream work will be scheduled during a low flow season to minimize impacts on stream. Protecting aquatic resources corridors and enhancing stream habitat by establishing riparian plantings along the corridor where needed.
- Mitigation of new impervious areas with a comprehensive Stormwater Pollution Prevention Plan.
- Mitigation of potential impacts to Indiana Bats and their habitat by including limitation of tree removal in potential roosting areas to the period of October 1 through March 31, prevention of incidental tree removal during construction activities through the use of protective fencing and plan notes. Minimization of total number of trees being removed and incorporating new plantings of preferred roosting trees and hedgerows during construction. Also, placement of artificial bat roosts (bat boxes) .
- Execution of a Memorandum of Agreement (MOA) to mitigate the adverse effect on the setting of 758 East Main Street. The MOA stipulates that landscaping will be designed and planted to minimize the setting impact. Additionally, the MOA requires development of a Data Recovery Plan to mitigate the impacts to the archeological resources in up to 12 component locations of the Wallkill Prehistoric Archeological District.
- Mitigating the potential effects of disposing of hazardous waste/ contaminated materials found during construction by handling and disposing of in accordance with appropriate Federal and State requirements.
- Mitigating impacts to the visual environment by including landscape plantings to establish naturalistic vegetation patterns, utilizing plantings to screen secondary roads from NYS Route 17, utilizing retaining walls and minimizing cuts and fills to reduce the amount of land clearing and

providing surface texture treatments to concrete abutments and retaining walls to “naturalize” the look to blend better with the existing surroundings.

- Mitigating air quality impacts from traffic and reducing energy usage by incorporating a Park and Ride facility into the project. Consideration of retrofitting construction equipment with diesel particulate filters/diesel oxidation catalysts and use of ultra-low sulfur diesel fuel to lower air emissions during construction. Wetting soils and covering trucks to control dust and limiting idling time of construction equipment during construction.
- Mitigating indirect, secondary and cumulative impacts by continued coordination with the Town of Wallkill and Orange County to explore adoption of a Wellhead Protection Plan to protect groundwater resources, establish a riparian buffer to protect habitat along the Wallkill River and Phillipsburg Creek corridors, construct a canoe launch along the Wallkill River to provide open space area and assist in area watershed planning.
- Mitigate construction impacts on the community by considering incentives and disincentives to induce the contractor to work quickly and efficiently while minimizing delays and negative effects to the business and residential community, commuters and emergency responders.

A summary of comments received during the Open Format Public Hearing, on June 25, 2007, and the Department’s responses are included in Chapter VI of the FEIS. On March 19, 2008 an Agency Coordination Meeting was held to coordinate the review of agency comments and seek resolution on issues prior to distributing the FEIS. The meeting was conducted at the US Environmental Protection Agency (EPA) Office in New York, New York and attended by NYSDOT, FHWA, EPA, the US Army Corps of Engineers, the New York State Department of Conservation, the NY State Historic Preservation Office, the US Fish and Wildlife Service, the National Marine Fisheries Service, and consultant staff. A “Notice of Availability of FEIS” was published in the Federal Register on August 8, 2008 and the report distributed to individuals, organizations, State and Federal agencies. The Environmental Protection Agency (EPA) commented on the FEIS in a letter dated September 8, 2008 to FHWA. These comments are addressed in the attached NEPA ROD, section F. Comments on Final EIS.

This SEQR Record of Decision and the FHWA’s December 18, 2008 NEPA Record of Decision completes the environmental analysis and public hearing phase of the project. Accordingly, the New York State Department of Transportation shall proceed with the design and construction based on the selection of Alternative, 2C(1), as the build alternative.

01/05/09  
Date

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